

HOUSE BILL REPORT

ESHB 2553

As Passed House:
February 10, 2012

Title: An act relating to nonvoting labor members of public transportation governing bodies.

Brief Description: Concerning nonvoting labor members of public transportation governing bodies.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Moscoso, Liias, Upthegrove, Fitzgibbon, Reykdal, Billig, Sells, Appleton, Ryu and Roberts).

Brief History:

Committee Activity:

Transportation: 1/23/12, 2/6/12 [DPS].

Floor Activity:

Passed House: 2/10/12, 54-42.

Brief Summary of Engrossed Substitute Bill

- Removes the authority of the chair of the governing board of metropolitan municipal corporations, public transportation benefit areas, and county transportation authorities to exclude the nonvoting labor recommended member of the governing board from executive sessions that are not held for the purpose of discussing negotiations with labor negotiations.
- Modifies the requirement to exclude the nonvoting labor recommended member of the governing board of metropolitan municipal corporations, public transportation benefit areas, and county transportation authorities from executive sessions that are held for the purpose of discussing negotiations with labor organizations so that it applies to executive sessions held for the purpose of discussing contract negotiations with labor organizations, personnel matters, potential litigation, litigation, or issues that present a conflict of interest.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice

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Chair; Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Ladenburg, Moeller, Morris, Moscoso, Reykdal, Ryu, Takko and Upthegrove.

Minority Report: Do not pass. Signed by 13 members: Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Johnson, Klippert, Kristiansen, McCune, Overstreet, Rivers, Rodne, Shea and Zeiger.

Staff: David Munnecke (786-7315).

Background:

Metropolitan Transit Commission.

State law authorizes two or more cities to create a metropolitan municipal corporation for the purpose of providing essential services to the residents of the metropolitan area encompassed by the participating cities. The creation of a metropolitan municipal corporation requires voter approval, and the functions, authority, and governance of the corporation are subject to specified statutory requirements. The corporation is governed by an appointed body known as the metropolitan municipal council (council).

A metropolitan municipal corporation is authorized to provide regional transportation services through the creation of a metropolitan transit commission (MTC). A MTC may be granted the authority to construct, own, and operate a regional transportation system in accordance with specified requirements. A MTC is governed by a commission consisting of seven voting members, six of whom are appointed by the council. The six appointed commissioners must meet specified criteria as a prerequisite to holding office. The seventh member is the chair of the council and acts as the ex officio chair of the MTC. Commissioners serve four-year terms and receive compensation as determined by the council.

A county that establishes a metropolitan municipal corporation for the provision of essential county services is not required to establish a MTC as the governing body of the county transit system. In such instances, the governing body of the county itself serves as the governing body of the transit system.

County Transportation Authority.

The legislative body of a county is authorized to create a county transportation authority (CTA) to provide transportation services to a county and the cities located therein. A CTA may be granted the authority to construct, own, and operate a county-wide transportation system in accordance with specified requirements. A CTA is managed by a six-member governing body consisting of elected officials from the county and cities within the county and who are appointed in accordance with specified criteria.

Public Transportation Benefit Area.

A public transportation benefit area (PTBA) is a type of municipal corporation created to provide regional transportation service to all or a portion of a county or multiple counties. It is authorized to construct, own, and operate a regional transportation system within its jurisdictional boundaries in accordance with specified statutory requirements. The creation of a PTBA requires the convening of a public transportation improvement conference

attended by an elected official from each city and county falling within the jurisdiction of the proposed PTBA. The governance of a PTBA is provided by a governing body consisting of not more than nine (or 15 if the PTBA is multi-county) elected officials from the governments of the cities and counties participating in the PTBA.

Nonvoting Members.

A public transportation system owned or operated by a MTC, CTA, or PTBA must include in its governing body a nonvoting member recommended by the labor organization representing the majority of its employees. The governing body of the public transportation system must exclude the nonvoting labor representative member from attending any portion of an executive session held for the purpose of discussing negotiations with labor organizations. The chair or co-chair may exclude the nonvoting member from attending any other executive session. Such member must comply with all bylaws and policies of the governing body of the transit entity to which he or she is appointed.

A PTBA authority is exempt from the requirement that a nonvoting member be appointed to its governing body if the authority has no employees represented by a labor union.

Summary of Engrossed Substitute Bill:

The authority of the chair of the governing board of a MTC, CTA, or PTBA to exclude the nonvoting labor recommended member of the governing board from executive sessions that are not held for the purpose of discussing negotiations with labor negotiations is removed.

The nonvoting labor recommended member of the governing board of a MTC, CTA, or PTBA is required to be excluded from executive sessions that are held for the purpose of discussing contract negotiations with labor organizations, personnel matters, potential litigation, litigation, or issues that present a conflict of interest.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The inclusion of labor members on the governing board of an organization works well when the labor and management come together.

Concerns have been raised about including the labor member of the governing board when the board discusses issues related to the disciplining, hiring, or firing of members of a labor organization. The bill is being modified to address these concerns as appropriate.

The original bill to add labor members to the governing board of certain transportation organizations has led to some success. The intent was to include labor members in decision

making, but Community Transit has excluded the labor member from all executive sessions and that needs to be addressed.

The labor representative is there to give labor's perspective on various issues. The nonelected members would not involve themselves in contract negotiations, but they might be valuable when certain personnel issues are being discussed because of their knowledge of system operations.

(Opposed) Under this bill, the chair would not have the authority to exclude the nonvoting member in cases of personnel issues, lawsuits, etc., where exclusion would be appropriate. This could also effect attorney-client issues in some cases.

Persons Testifying: (In support) Representative Moscoso, prime sponsor; Patricia Ceis, Amalgamated Transit Union 1576; Heather Weiner, Teamsters 839; and Lance Norton, Community Transit Board of Directors.

(Opposed) Michael Shaw, Washington State Transit Association.

Persons Signed In To Testify But Not Testifying: None.